

REMARKS

Applicant thanks the Examiner for withdrawing: (1) the prior art rejection of independent claim 7; and (2) the various objections of record in the September 22, 2005 *Office Action*.

Status of the Application

Claims 3-20 are all the claims pending in the Application, as claims 1 and 2 are hereby cancelled without prejudice or disclaimer. Of the pending claims, only claims 3, 12, 13 and 17 stand rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claim 20 is allowed.

Applicant thanks the Examiner for indicating that claims 7-11, 15, 16, 18 and 19 would be allowed if amended to overcome the objections discussed in detail below. These claims have been so amended, and are therefore believed to be immediately allowable.

Applicant thanks the Examiner for indicating that claims 4-6 and 14 would be allowed if rewritten in independent form. Regarding claims 6 and 14, Applicant has rewritten these claims in independent form, and believes them to be immediately allowable. Regarding claims 4 and 5, Applicant respectfully requests that the Examiner hold in abeyance any rewriting until he has had an opportunity to reconsider (and withdraw) the prior art rejection based on the following remarks.

Claim Objections

The Examiner has objected to claims 7-11 and 15-19 due to alleged informalities. Applicant has amended the claims in a non-limiting, editorial, manner to overcome this

objection. As these changes are editorial in nature, and not for reasons of patentability, no estoppel should apply. Accordingly, Applicant respectfully requests withdrawal of this objection.

Anticipation Rejection

The Examiner has rejected pending claims 3, 12, 13 and 17 under 35 U.S.C. § 102(e) as being anticipated by *Chen et al.* (US 6,520,669; hereinafter “*Chen*”). This rejection is respectfully traversed.

As an initial matter with respect to each of the claims 3, 12 and 17, the Examiner alleges that *Chen*’s light emitting device 81 (of FIG. 8) discloses “... a semiconductor light-emitting device comprising at least one semiconductor light-emitting element for forming a first illuminating beam and at least one semiconductor light-emitting element for forming a second illuminating beam;” and (2) that the “illuminating beams are switchable by selectively activating selected ones of said light-emitting elements for forming said first and second illuminating beams.”

Applicant respectfully disagrees. Light emitting device 81 includes only light emitting devices 84’, and is used only to provide high beam illumination (col. 6, lines 58-63). Thus, light emitting device 81 cannot reasonably be read as having switchable illuminating beams as recited in independent claim 1.

Accordingly, Applicant believes that the Examiner is actually attempting to rely on *Chen*’s alternative embodiment illustrated in FIGS. 9 and 10 to form the basis of his rejection,

since this embodiment discloses both light emitting devices 84 for emitting high beam illumination and light emitting devices 94 for emitting low beam illumination.

Independent Claim 3

Applicants again respectfully submit that *Chen* fails to teach or suggest independent claim 3's recitation that "... each of said light-emitting elements has a horizontally elongated shape, extending in a horizontal direction orthogonal to an optical axis of said light-emitting device."

In the *Office Action*, the Examiner concedes that "light emitting element 84 is a circularly [sic] shape." Applicant agrees.

However, the Examiner then curiously alleges that "the light emitting element however does have a horizontally elongated shape. Note the portion extending from the left to the right of the circularly shaped light emitting element such as the horizontal diameter portion." This argument is not clear to Applicants. Is the Examiner alleging that some diameters (such as the horizontal diameter) of a particular light emitting element 84 are somehow elongated while others are not? If so, Applicant respectfully disagrees, as by definition, a circular feature cannot be elongated in any particular direction. Rather, a circular feature has the same diameter in all directions.

Further, Applicant respectfully submits that *Chen* does not disclose that there is any optical axis for flexible substrate 80 shown in FIGS. 9 and 10 of *Chen* (which the Examiner must be relying on for the reasons noted above). Thus, as a threshold matter, it is impossible to determine if light emitting element 84 meets this limitation.

Independent Claims 12 and 13

Applicants respectfully submit that *Chen* fails to teach or suggest claim 12's recitation that "the semiconductor light-emitting device has a single optical axis," or claim 13's recitation that "the at least one semiconductor light-emitting element for forming a first illuminating beam and the at least one semiconductor light-emitting element for forming a second illuminating beam emit light along the single optical axis."

Specifically, as mentioned above, *Chen's* FIG. 8 embodiment fails to teach or suggest all of the features of independent claim 1, since it does not provide switchable illuminating beams. Thus, the Examiner must rely on *Chen's* alternative embodiment shown in FIGS. 9 and 10 to form the basis of his rejection.

However, the embodiment of FIGS. 9 and 10 specifically provides light emitting elements 94 (for emitting low beams) and light emitting elements 84 (for emitting high beams) to emit light in two separate directions. Thus, since light is being emitted in two different directions: (1) there cannot be a single optical axis for flexible substrate 80 as specified in claim 12; and (2) both of the light emitting elements 84 and 94 cannot be read as emitting light along the single optical axis, as specified in claim 13.

Independent Claim 17

Applicants respectfully submit that *Chen* fails to teach or suggest claim 17's recitation that "the semiconductor light-emitting device houses the at least one semiconductor light-emitting element for forming the first illuminating beam and the at least one semiconductor light-emitting element for forming the second illuminating beam within a single connected volume defined below a single device lens."

In contrast, each of the light emitting devices 84 and 94 are arranged below a single TIR lens 100. There is no teaching or suggestion in *Chen* that the TIR lens shown in FIGS. 9 and 10 covers anything more than a single light emitting element.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 3-20 are allowable. Thus, it is respectfully requested that this application be passed to issue with claims 3-20 at the earliest possible time.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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